

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7486 of 2021**

Arising Out of PS. Case No.-165 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Birju Sahni S/o Bindi Sahni R/o Village- Shambhu Patti, P.S.- Muffasil,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Mukesh Kumar No 1, Advocate
For the Opposite Party/s : Mr Murlidhar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Samastipur (Mufassil) Police
Station (for brevity, *PS*) Case No 165 of 2020 instituted for the
offence punishable under Sections 302/34 of Indian Penal Code
and Section 27 of Arms Act.

Co-accused Bijoy Sahani and Happy Sahani have fired
upon the informant's father leading to his death. It is alleged
that instant petitioner exhorted Happy Sahani to fire.

Learned counsel submits that as per allegation in the First
Information Report, no firing is attributed against the petitioner.



The petitioner has been implicated in this case on extraneous considerations. He is on bail in four out of the five cases, mentioned in paragraph 3 of the petition. In the fifth case, it is stated that he has already been acquitted. It is the specific case of the petitioner that the deceased was having many criminal cases pending against him and although no overt act is alleged against the petitioner, he is in custody since 09.06.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Samastipur in connection with Samastipur (Mufassil) PS Case No 165 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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